

# **Mediation and its usage in labour law litigation and in employment issues**

## **Abstract**

This thesis provides an insight into the field of mediation as an alternative method of dispute resolution. This method is approached through the optics of labour law litigation perspective which in the author's point of view offers a huge potential for further development. Even though the key point stands in the field of labour law, the whole thesis has an interdisciplinary design following the design of the method described. The interdisciplinary focus aims to the fields of psychology, sociology and philosophy.

The thesis is divided into four main sections. Their composition follows the focus point from concrete to abstract concepts. The first part aims to integrate the field of labour law into the law system. The main focus is given to the dualism of the law system and the relation of the public and private law considering its relation to the labour law. The second part is devoted to conflicts and mainly reflects the symptoms of conflict and their classification. The negatives and positives of both are considered and discussed. The labour law disputes are highlighted as a typical example of a conflict. The third part describes possible solutions to the labour law disputes and then focuses on the presented method, mediation. The mediation is approached from two different perspectives: on one hand as a way of resolving conflicts, on the other hand as an alternative method of resolving the labour law disputes. The theoretical rationales are accompanied by the explanation of three possible approaches to the mediation method. This provides a clearer example of the usage of mediation method in everyday life situations.

The fourth part differs from the others parts as it is devoted to the empirical research. The sociological research presented in this part has been conducted to map the opinions of the sample of the Czech population towards the mediation of labour law disputes. Opinions of 120 respondents were collected. The key finding of this research is that the method of mediation is publicly well recognised, on the other hand, the wider public is vaguely informed about the Act no. 202/2012 Sb., the mediation law. Another important outcome of the research is that the public opinion is in favour of the usage of the mediation method as a solution for labour law disputes as it has been declared by the majority of respondents.

**Key words: mediation, labour law, Alternative Dispute Resolution**